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## ITALIAN CODE

only for the calling of the witnesses, but for documents. If a witness has given testimony before a magistrate, he may under certain conditions (as for example the consent of the parties) not be called to give oral testimony in the higher court; but his testimony may be read. A great deal of time is lost during trials in the higher courts because of the production of witnesses in respect to whom cross-examination is inadvisable or unnecessary. R. F.

**Crimes and Punishments in the New Election Law of Italy.**—An article by Gaetano D. Amelio in *La Scuola Positiva*, October, 1912, on crimes, punishments and disabilities in the new election law. The new election law of the 26th of June, 1913, is the outcome of the old law of 1905. The main feature of the reform caused by the new law is the much larger participation of citizens in the political suffrage.

Crimes against the electoral franchise were for long considered trifling. But the new code views them with a stern eye and punishes them with long sentences. Pardon is no longer allowed for such crimes. The statute of limitations has been amended and the time within which an action may be begun has been extended.

The law claims to guarantee the purity of the vote. Any citizen may instigate an action against a violator of the law. There has been a great deal of discussion as to whether this means that anyone may carry on an action. But the author maintains that to instigate an action is the function under the new law of a private person, and to institute and carry it on is the function of the public prosecutor.

Crimes may be committed at any one of three stages: that of preparation for voting; second, that of voting; and third, that of making the vote effective. The punishment of an election officer who violates his oath is graver than that visited upon one who is not. The conditional sentence is not available to an officer, and pardon is not obtainable. R. F.

**Coercion by Ministers of Religion in the Italian Code.**—An interesting provision in the code is that pertaining to coercion by ministers of religion. Church and State are separate in Italy, but action between them is not always harmonious. Ministers of religion are prohibited from talking on political matters in places of religious worship, and at meetings of a religious character. The phrase, meetings of a religious character, was a stumbling block, but after explanation by Minister Sonnino, it was left in the law intact. It means "meetings called and held in the exercise of religion, that is, meetings to which those who are there have been invited to do acts of religion."

Among those who are deprived of the right of voting are the following: Persons convicted of idleness, vagabonds, and begging. These have, under the new code, become permanently, instead of only temporarily, as under the old code, disfranchised. Persons guilty of fraud, misappropriation, breach of trust, theft, conspiracy. The new code, contrary to the old one, enumerates all the crimes for the commission of which disfranchisement follows. And only for these may the right to vote be taken away. R. F.

**Defamation in the Italian Penal Code.**—There is a very interesting decision on page 935 (*La Scuola Positiva*, October, 1912.) based on Article 391 of the penal code relating to defamation. The reader will note that the essential elements of criminal libel are the same as in England and America. The

## PRODUCTS OF CONVICT LABOR

decision gives in condensed and admirable style the whole doctrine of defamation. The material element in criminal libel is the holding up to public contempt, hate and ridicule of a person, and injuring his honor and reputation. A writer may not be held guilty of libel if he has investigated sources worthy of credibility and if he writes without motives of hate. R. F.

**Regulation of Interstate Commerce as to Products of Convict Labor.**—The following report from the Committee on Labor of the House of Representatives relates to House Bill 1933, introduced by Mr. Booher:

"The Committee on Labor, to which was referred the bill (H. R. 1933) to regulate interstate commerce in the products of convict labor, submits the following report and recommends that the said bill do pass without amendment.

"The bill is as follows:

"A BILL to limit the effect of the regulation of interstate commerce between the states in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor or in any prison or reformatory.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all goods, wares, and merchandise manufactured, produced, or mined wholly or in part by convict labor, or in any prison or reformatory, transported into any state or territory of the United States, or remaining therein for use, consumption, sale, or storage, shall, upon arrival and delivery in such state or territory, be subject to the operation and effect of the laws of such state or territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such state or territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise."

"The question of convict labor, in its moral and economic aspects, has been the subject of public discussion for many years. Owing to crime or misfortune, a considerable, and apparently increasing, number of our population are yearly compelled to lose their liberty and suffer confinement, more or less protracted, in penal institutions. Humanity and health alike require that these unfortunate individuals should have both employment and exercise; and sound policy dictates that such employment should be directed in channels capable in part, at least, of requiring the cost of their maintenance, lest they should become too great a charge upon the public. Had the practice of all the states confined itself within the limits of health for the prisoner and such returns for his labor as would repay the cost of maintenance, it is not probable that any economic issue would ever have grown out of our prison system. But in course of time the enforced labor of numerous individuals under single management attracted both public and private cupidity; and in some American commonwealths the unhappy convict has been exploited not only to the profit of the state, but the products of his labor have become a menace to the economic welfare of the whole community. Hence have arisen the protests of labor organizations against the competition of convict goods with the products of free labor; hence the outcry of manufacturers at the control of the market in important lines of industry by prison plants; hence the efforts of various states to protect themselves by local laws against commerce in prison commodities; and hence the more recent efforts of publicists to curtail the evil through Federal legislation.

"According to the report of the Commissioner of Labor for the year 1905, the value of goods produced by convict labor in 296 of the larger penal institutions in the country in that year was, in round numbers, \$34,000,000, represent-